

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

1:00 P.M.

OCTOBER 16, 2001

PRESENT:

Jim Shaw, Chairman
Pete Sferrazza, Vice Chairman
Joanne Bond, Commissioner
Jim Galloway, Commissioner
Ted Short, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

01-1084 AGENDA

Katy Singlaub, County Manager, advised that Item 6E(2), award of Bid for Sound System and Equipment and Installation for District Courts, would be pulled out of the Consent items and heard in conjunction with Item 18, Presentation of the Fiscal year 2001/02 budget status with respect to possible economic impacts of the September 11th terrorism attack. In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, Chairman Shaw ordered that the agenda for the October 16, 2001, meeting be approved.

PUBLIC COMMENTS

There was no one present wishing to speak.

MANAGER'S/COMMISSIONERS' COMMENTS

Katy Singlaub, County Manager, advised that the U. S. Senate Appropriations Committee has invited Barbara Hunt, District Health Officer, to provide testimony to the U. S. Senate on Friday regarding the management of the local anthrax incident.

MINUTES

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, Chairman Shaw ordered that the minutes of the regular meeting of September 25, 2001, be approved.

01-1085 ACCEPTANCE OF DONATION – SHANEVA AND PIERRE HASCHEFF (IN MEMORY OF PAT SHANE) – NORTH VALLEYS CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT

Upon recommendation of Leslie Roylance, CAB Program Coordinator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, Chairman Shaw ordered that the donation in the amount of \$1,500 from ShaNeva and Pierre Hascheff in memory of Pat Shane to the North Valleys Citizen Advisory Board be accepted with gratitude. It was further ordered that the following account adjustments be authorized:

Increase Revenue Account	Description	Amount
11643D-5802	Donations General	\$1,500
Increase Expenditure Account		
11643D-7250	Office Supplies	\$1,500

01-1086 ACCEPTANCE OF DONATION – SHANEVA AND PIERRE HASCHEFF (IN MEMORY OF PAT SHANE) – SPANISH SPRINGS CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT

Upon recommendation of Leslie Roylance, CAB Program Coordinator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, Chairman Shaw ordered that the donation in the amount of \$1,500 from ShaNeva and Pierre Hascheff in memory of Pat Shane to the Spanish Springs Citizen Advisory Board be accepted with gratitude. It was further ordered that the following account adjustments be authorized:

Increase Revenue Account	Description	Amount
11643D-5802	Donations General	\$1,500
Increase Expenditure Account		
11643D-7250	Office Supplies	\$1,500

**01-1087 TRAVEL FOR E-911 ADVISORY COMMITTEE MEMBERS –
TRAVEL REIMBURSEMENT TO SHERIFF'S OFFICE**

Upon recommendation of Brent Lee, Chairman, E-911 Advisory Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, Chairman Shaw ordered that two E-911 Advisory Committee members be authorized to attend the Public Safety Wireless Network Symposium in Las Vegas, Nevada, October 23-25, 2001, at an estimated cost of \$1,500, and two E-911 Advisory Committee members be authorized to attend the National Emergency Number Association annual conference in St. Louis, Missouri, November 11-14, 2001 at an estimated cost of \$2,100. It was noted that individuals attending on behalf of the E-911 Advisory Committee might not be Washoe County employees; and that this travel was approved at the E-911 Advisory Committee meeting of September 12, 2001.

It was further ordered that the reimbursement of \$1,106.60 to the Sheriff's Department for travel to New Orleans, Louisiana August 28 to September 1, 2001 for John Respass attending the Navigator 2001 Emergency Dispatch Conference be approved. The E-911 Advisory Committee at their meeting of September 12, 2001 approved the reimbursements. Mr. Respass, Incline Village Sheriff's Department, is completing the term of Captain Jim Nadeau, Sheriff's Department, effective September 12, 2001.

**01-1088 ACCEPTANCE OF TRAINING FUNDS GRANT – DEPARTMENT
OF ADMINISTRATION – CONSOLIDATED NARCOTICS UNIT –
SHERIFF**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, Chairman Shaw ordered that a grant for training funds of \$17,484.70 provided by the Department of Administration, through the Chapter 372A Taxes account, to the members of the Washoe County Sheriff's Office, Consolidated Narcotics Unit (C.N.U.) be accepted. It was noted that these funds will allow members of C.N.U. to pay for tuition, lodging and per diem expenses to attend the California Narcotics Officers Association annual conference scheduled for November 16-20, 2001, in Monterey, California.

It was further ordered that the following account transactions be authorized:

Increase Revenues Account	Amount
152302G-4302	\$14,484.70
Increase Expenditures	Amount
152302G-7385	\$7,665.00
152302G-7620	\$6,819.70

**01-1089 AWARD OF BID – TORO MOWERS - BID NO. 2308-02 –
PURCHASING/PARKS**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 7, 2001, for one new Toro Greensmaster 3050 Mower and one new Toro Groundsmaster 455D Mower on behalf of the Parks and Recreation Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Reed Equipment Co., Inc.
Turf Star, Inc.

Turf Equipment & Irrigation was disqualified because of an incomplete bid response, and Western Equipment Distributors was unresponsive.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, Chairman Shaw ordered that Bid No. 2308-02 for one new Toro Greensmaster 3050 Mower and one new Toro Groundsmaster 455D Mower on behalf of the Parks and Recreation Department be awarded to the low bidder, Turf Star, Inc. in the net amount of \$57,314.00.

It was further ordered that the Purchasing and Contracts Administrator be authorized to purchase additional mowers from Turf Star, Inc. through September 30, 2001 provided there is no increase in pricing.

**01-1090 GRANT OF EASEMENT – REGIONAL PUBLIC SAFETY
TRAINING CENTER**

Upon recommendation of Rod Savini, Capital Projects Manager, through David Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, it was ordered that the Grant of Easement from the Nell J. Redfield Trust concerning the connection of the new water tank and associated infrastructure for the Regional Public Safety Training Center to the Panther Valley Water Users Association be approved, and Chairman Shaw be authorized to execute.

01-1091 WATER RIGHTS DEED – MOYA OLSEN LEAR – WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Stephen Bradhurst, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, it was ordered that the following actions be taken regarding Moya Lear's parcel map, APN 038-242-19:

1. The Water Rights Deed for 2.02 acre-feet of ground water rights from a portion of Permit 49067 between Moya Olsen Lear, as Grantor, and Washoe County, as Grantee, be approved and Chairman Shaw be authorized to execute.
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

01-1092 CORRECTION WATER RIGHTS DEED – STREMMEL CAPITAL GROUP, LLC – GOLD RANCH RV PARK - WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Manager, through Stephen Bradhurst, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, it was ordered that the following actions be taken regarding Gold Ranch RV Park:

1. The Correction Water Rights Deed for a total combined duty of 28.73 acre-feet from portions of Permit 49010, Certificate 12801, as changed by Application 65967, and Permit 49011 between Stremmel Capital Group, LLC, as Grantor, and Washoe County, as Grantee, be approved and Chairman Shaw be authorized to execute.
2. The Utility Services Division Manager be directed to record the Correction Water Rights Deed with the County Recorder.

01-1093 EXPENDITURE – DATA AND COMMUNICATION CONDUITS - REGIONAL PUBLIC SAFETY TRAINING CENTER – PUBLIC WORKS

Katy Singlaub, County Manager, complimented staff on their recommendation to include the infrastructure for telecommunications in conjunction with the natural gas line that is being put in under U. S. 395, which will result in a cost savings to the County.

Upon recommendation of Rod Savini, Capital Projects Manager, through David Roundtree, Public Works Director, on motion by Commissioner Sferrazza,

seconded by Commissioner Bond, which motion duly carried with Commissioners Galloway and Short absent, Chairman Shaw ordered that the expenditure to Q & D Construction for data and communication conduits between the Regional Public Safety Training Center, EOC/Dispatch, 911 Parr Boulevard, and the new juvenile detention facility in the amount of \$40,237.80 be approved.

INTRODUCTION OF NEW WASHOE COUNTY EMPLOYEES

Approximately 15 new Washoe County employees introduced themselves to the Board. Chairman Shaw and County Manager Singlaub welcomed the new employees.

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1:15 p.m. Commissioner Short arrived at the meeting.

1:17 p.m. Commissioner Galloway arrived at the meeting.

01-1094 PROCLAMATION – ARCHIVES WEEK – OCTOBER 24-31

Chairman Shaw read the Proclamation into the record. He said there would be a presentation of the proclamation and ceremony this Friday at noon at the Courthouse.

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Shaw be authorized to execute on behalf of the Board:

PROCLAMATION

WHEREAS, the preservation of archival records is important to the Washoe County community in order to maintain accurate and lasting records of our history; and

WHEREAS, Since the creation of Washoe County by Nevada's first Territorial Legislature in 1861, the Washoe County Clerk's Office has been the County's official custodian of public legal documents, including all records for the Washoe District Court and Washoe County Commission; and

WHEREAS, The Washoe County Clerk's Office strives for excellence in providing services and information to the courts, attorneys and citizens, with both integrity and efficiency in a timely and professional manner; and

WHEREAS, The County Clerk's Office is joining with the Nevada State Historic Records Advisory Board in observing Archives Week as to increase public awareness of the importance of archival and historical records to people's lives; and

WHEREAS, The theme of this year's Archives Week is "1901-2001: Documenting Nevada in the 20th Century," and

WHEREAS, In honor of Archives Week, archive materials related to the United States Ship Washoe County, including records of correspondence between the County Clerk's Office and ship's crew, Christmas Cards, letters and photos, will be displayed in the lobby of the Clerk's Office from Friday October 19th through November 12th; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that October 24th through 31st is designated as **Archives Week** in Washoe County and we encourage all members of the community to stop by the County Clerk's Office and visit the exhibit commemorating the history of the United States Naval Vessel that shares our name.

01-1095 OVERVIEW OF INFORMATION TECHNOLOGY DEPARTMENT

Matt Beckstedt, Information Technology Director, provided an overview of the Information Technology Department. He presented and reviewed the Department of Information Technology Fiscal Year 2000/01 Annual Report. He reviewed the functions of the various divisions of the department and their accomplishments and reviewed major multi-year technology projects. Mr. Beckstedt advised that, for the first time in 10 years, the IT Directors in Northern Nevada are holding a conference tomorrow to exchange ideas and determine how to work together more efficiently.

Commissioner Galloway noted that, since the September 11 terrorism attack, there has been an increase in electronic business conferencing. He asked if there was anything being developed that would allow for more electronic conferencing and less travel, as this would provide tremendous savings to the County. Mr. Beckstedt advised that a test case project is currently underway with telecommunications on that matter.

Commissioner Sferrazza asked about the status of eliminating the paper agenda material the Commissioners get at the meetings and using laptops to access the meeting material. Katy Singlaub, County Manager, advised that the agenda material was put on the Internet at the Board's request; and that laptops could be provided to the Board members. She noted that the County is the first local government in Northern Nevada to have the entire agenda packet on the Internet. Commissioner Sferrazza said the savings from the cost of the paper agenda material should very quickly pay for the laptops.

**01-1096 PRESENTATION – PHASE I, VOLUME I OF BUSINESS
FEASIBILITY STUDY – ELDERCARE PROJECT – SENIOR
SERVICES**

Karen Mabry, Director, Senior Services, advised that, during the past five years, Senior Services has been exploring the possibility of creating a unique program to

address the health care and housing needs of low income seniors in Washoe County. She stated that the proposed Eldercare project is essentially an affordable continuing care retirement community concept that features assisted living and ancillary services such as medical, legal and nutritional. She advised that because of the enormity and complexity of the project, the financial feasibility study was to be conducted prior to taking any further action.

Jim Moore, President, Moore Diversified Services, project consultant, advised that Washoe County has approximately 6,000 age 65+ households who have incomes of less than \$15,000. He said this is the financial threshold being used because at that level it is difficult to cope with senior needs, and it also triggers some of the reimbursements and entitlement programs available nationally and statewide. He stated the overall approach to the program is to serve the growing needs of seniors who would be unable to financially provide for themselves and to reduce premature institutionalism. The benefits they were primarily seeking was to identify and satisfy a need, save considerable dollars, and determine what could add synergy to the existing Senior Center. He advised that practical elements looked at included capital costs for a program for approximately 100 sheltered living units, financing options for that capital cost, daily operating expenses based on what is going on around the country, and income sources. Mr. Moore stated that the Phase I study found favorably for the concept of an affordable assisted or sheltered living to satisfy the initial objectives that were set forth and concluded that the project should continue to Phase II.

Commissioner Sferrazza said he thinks this is a good program but is concerned about how admission to the program would be prioritized. He stated that, if possible, he would like to insure that eligible seniors would be prioritized by length of residence in Washoe County, noting he would not want Washoe County to become a magnet that attracts people from outside the community who want access to the program. Ms. Mabry advised that she believes, since the funding would be derived locally, the Board would establish the priorities for entrance into the system. Chairman Shaw asked if information could be obtained from other communities undergoing these types of projects and Mr. Moore advised that information could be made available to the Board. Commissioner Bond commented that this is an exciting concept and she would like to pursue it further. Mr. Moore and Ms. Mabry responded to questions of the Board concerning financial issues relative to the project.

Upon inquiry of Chairman Shaw, Ms. Mabry advised that some things have changed since the agenda memorandum was prepared, and staff is suggesting that Phase II be pursued with a scaled down scope of work to eliminate site selection and architectural design at this point in the process. She advised they would like to focus on program master planning, general project renderings and refined cost estimates, and bring that information back to the Board no later than December of this year.

Sam Dehne, Reno resident, spoke in favor of the project as long as the funding can work out properly and it does not add a lot of cost to the taxpayers. He said this concept should be based on the Senior Center remaining at its current location.

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the report on Phase I, Volume I Business Feasibility Study for an Affordable Eldercare Project in Washoe County prepared by Moore Diversified Service, Inc. be accepted. It was further ordered that the Senior Services Director be authorized to proceed to Phase II and prepare financial options for project funding, which will include a scaled down scope of work to eliminate site selection and architectural design; and that the scope of work and cost estimate of Phase II be brought back to the Board for consideration.

**01-1097 UPDATE – FAR PART 150 NOISE COMPATIBILITY STUDY –
AIRPORT AUTHORITY**

Dean Schultz, Airport Authority, advised that the Federal Aviation Regulations (FAR) Part 150 study on noise compatibility has been in progress for approximately 18 months and is nearing completion.

Jim Harris, Coffman Associates, reviewed the four elements of the 2001 – 2010 Noise Compatibility Program, being (1) the Noise Abatement Element, which includes the implementation of the Tahoe One departure procedure, reserving the use of the Mustang-Five departure procedure, and delaying on-course turns for aircraft using Wagge-One or Reno-Two departure procedures, (2) the Noise Mitigation Element, (3) the Land Use Planning Element, and (4) the Program Management Element. He advised that the program was submitted to the Planning Advisory Committee and some changes were made based on comments received at that meeting; that the program will be going back to the Planning Advisory Committee; and that a public hearing on the program will be held on November 20 at the Airport Plaza Inn. Mr. Harris then responded to questions of the Board.

At the request of Commissioner Sferrazza, Mr. Harris presented the 2010 contour map on the document camera. Commissioner Sferrazza asked how property owners were determined to be eligible for sound abatement measures.

Krys Bart, Executive Director, Airport Authority, advised they were cognizant of some of the issues that had arisen from property owners in previous years and, using the existing contours, identified everyone that would have been eligible to participate in the program. They also went into the neighborhood and met one-on-one with the residents to ask what they would like the program to recommend for them, including whether they would prefer acquisition, insulation, or just to be left alone. She advised that the residents then had an opportunity to vote and the majority decided they did not want either acquisition or insulation; and that, based on their participation and personal decisions, they have not been included for anything. Upon inquiry of Commissioner Sferrazza, Ms. Bart advised there is a FAA requirement for an aviation easement if a property abatement is done, but she is not aware of any other requirements.

Terrie Camenisch, Riata Circle resident, advised she was representing a number of people from Double Diamond, Virginia Foothills, Neuffer Homes, Via Bianca Mobile Home Estates and Steamboat. She stated that they do not support the implementation of the Tahoe-One departure procedure because it will impact them significantly; that the Tahoe-One noise study was conducted in 1999 during the dead of winter in heavy air; and that they believe the study results are inaccurate. She advised that they do support the Wagge-One departure procedure because it will have the least impact on the greatest number of people; and that she does not know how Mustang-Five got past the two property owner's associations because they would have done something about that recommendation.

Sam Dehne, Reno citizen, said this is the kind of study that results from having aviation amateurs and a real estate agent trying to run an airport, and when there is no oversight because aviation amateurs are appointed to the Airport Authority Board. He discussed other issues of concern with the Airport Authority and noted that the Board demanded an EIS over a year ago and the Airport Authority has never responded to that issue.

Chairman Shaw requested that the Airport Authority respond to Ms. Camenisch regarding her concerns. Ms. Bart advised that they would also respond in writing to the Board regarding that issue.

**01-1098 PRESENTATION – CHILD ABUSE AND NEGLECT
PREVENTION PLAN – COUNTYWIDE STRATEGIC PLAN FOR
PREVENTION**

Michael Capello, Director, Department of Social Services, and Candace Hunter, Health Department, conducted a PowerPoint presentation of the Child Abuse and Neglect Prevention Plan.

Mr. Capello advised that following the 1995 Grand Jury recommendations after their investigation following 9 child deaths over an 18-month period in Washoe County, the Board appointed a citizens task force to focus on child abuse prevention issues. He stated that several changes were made in the child protective services process in Social Services and various prevention programs were reviewed. The citizens task force released their report in January of 1997, and the Washoe County Health Department completed the basic tasks in June of this year. Washoe County has set a standard in the child welfare system, and there has been a continued decline in the number of substantiated reports and repeat victims, which indicates that the prevention and intervention programs have been successful.

Ms. Hunter reviewed the process completed over the past year which included getting professionals together with expertise in child abuse and neglect prevention issues to identify existing services in areas where improvement is needed, and develop a method to produce a report card. She acknowledged Nora Brashear, Development Coordinator with St. Mary's Foundation and member of the community

prevention team, who was present in the audience. Ms. Hunter advised that the team found there are at least 111 prevention programs in the County, and that data is now stored in the computerized database and is planned to be put online as a resource directory. She advised the community has an excellent system of home visits for high risk parents, although there could be more, there is a comprehensive parent education program, children are learning self protection in the schools, and there are some creative and collaborative programs such as Kids Korner. She then reviewed the gaps in the existing system and the model developed for a report card. She advised that there are 73 recommendations of the team and reviewed major issues which included (1) to coordinate services in Washoe County, (2) to continue the community prevention team, (3) to begin implementation of recommendations that could be done with minimal resources and (4) to develop a long range plan for stable prevention funding. Ms. Hunter stated there has been a strengthened community response to child maltreatment and some challenges have been identified; and that some excellent prevention efforts now exist and it is time for more strategic planning and leadership. She read a quote from a Michigan researcher on the cost of child abuse versus child abuse prevention and advised that his experience is that there is a 19 to 1 cost advantage to do prevention to achieve good outcomes.

Chairman Shaw thanked everyone involved in the process for giving their time and efforts to protect the children in Washoe County.

Commissioner Sferrazza asked if information was available relative to the percentage of substantiated cases that are prosecuted and convicted. Mr. Capello advised that they do not track the criminal piece of child abuse cases but could probably provide some estimates. Commissioner Sferrazza said he is also concerned that there is no requirement that people who are intimately involved and have knowledge of abuse, such as a spouse, are not required to report. He requested that staff look at changing the law to require mandatory reporting by the person in the household who knows what is happening and give them the same immunity given to other mandatory reporters. He said this may provide information earlier in the process, which is an area he believes is extremely inadequate.

01-1099 REQUESTS FOR REFUND OF TAXES – BOULDER CREEK APARTMENTS, DIAMOND CREEK APARTMENTS, RIVERSIDE ARTISTS LOFTS, AND SPANISH HILLS APARTMENTS

This item was continued from September 25, 2001 [Item No. 01-1001]. Katy Singlaub, County Manager, advised that the Board has been provided with information from the District Attorney's office and the Assessor's office regarding the income data previously requested.

Lisa Esqueda, Myan Management Group, representing Boulder Creek Apartments, presented income restriction and rent roll information and explained the process followed to determine whether an applicant complies with all requirements.

Commissioner Galloway said he does not think it is fair to ask the Board to examine the material provided by Ms. Esqueda in this short amount of time. He said he would also like to see more detail that shows whether income qualifications required by law to give the exemptions were met. He noted that source documents, a schedule of rents, and copies of applications have not been included. Commissioner Galloway said he is not prepared to grant the refund unless there is a more thorough analysis of certification and a name by name comparison of the income with the requirement and the source documents attached to back it up. He said he would be willing to support continuation of this item on the condition that it would not be brought back unless the requested information is furnished for examination by the County Assessor. Commissioner Galloway stated that he wants to be sure the exemptions are actually going to the people that are needy as the law intended. County Manager Singlaub advised that an audit could be requested of the applicant; and that it might be useful for County staff to work with the State office to review the process the State goes through to verify the applicant's information.

Commissioner Sferrazza stated that, based on the information he has seen, he would not support the refund requests because he does not agree with taking money out of the County Treasury to provide for private for-profit companies.

John Faulkner, Chief Deputy Assessor, reviewed the Assessor's procedure for processing these types of tax refund requests. He advised that the applicant submits a rent roll with the compliance letter that gives the date of occupancy, market rent and maximum rent, and the annual income for the tenant; that the Assessor's office coordinates with the Home Consortium who audits the properties on a regular basis; and that each year the property owners are sent an affidavit of compliance to complete and sign under penalty of perjury. He advised they work closely with the State Housing Authority, the Home Consortium, and the Reno Housing Authority; and that, if there is a question, the Consortium will do an audit, which the Assessor's Office can attend in order to verify what is going on with the property.

Commissioner Galloway noted that one matter of confusion is that the original rent roll shows incomes from 1999. Robert Nielson, Diamond Creek Apartments, advised that these requests have to do with the initial year of lease-up only, and the abatement the Assessor has granted is an ongoing process. He stated that 1999 was the initial year of occupancy; and that when the building is full is the trigger as to when the assessor will say a property is eligible for abatement and is what triggers the property to request the abatement they have already paid.

Commissioner Galloway said that he would like to review the Assessor's information concerning these properties to see that income matches the required family size, etc. He said he would also like the applicants to submit their source document that states the applicants income and verification by the apartment representatives, as well as a spread sheet showing the unit, the family size, the income level of the people in the unit and the income requirement for an examination audit. Upon inquiry, Ms. Esqueda advised that the document signed by the applicant is done so under penalty of perjury and

falsifying information is grounds for immediate eviction; and that tenant income is recertified every 12 months.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried with Commissioner Sferrazza, voting "no," Chairman Shaw ordered that the Request for Refund by Boulder Creek Apartments be continued, and the applicant provide the requested information to the County within 30 days.

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Debbie Crutcher, representing Diamond Creek Apartments, advised that they believe they have provided the Board with the source documents that were requested; and that they provided a spread sheet containing the apartment unit size, whether it was a tax credit unit or a home fund unit, the effective date, the date the resident moved in and signed the tenant income certification form agreeing that their income was calculated correctly, and the maximum gross allowable income for that household size. She advised they had an audit by the finance company to make sure they were complying with the low income tax credit program guideline; and that reports are submitted quarterly to the Nevada Housing Division that states under penalty of perjury that the households are low income.

Commissioner Galloway said that the applicants requesting refunds should be treated the same and he would like to be provided with a copy of all the source documents signed by tenants and verified by the corporation. Ms. Crutcher commented that the main source document the Board would probably want is the Tenant Income Certification form, which is the State's exhibit; and that they have 288 Tenant Income Certification forms. Commissioner Galloway said he would like to be provided with a copy of each Tenant Income Certification form and the income data relative to the year in question.

Commissioner Sferrazza commented that for him to support the refund requests someone needs to explain how taking public money and giving it to these private corporations is going to benefit the renters. Mr. Neilson advised that the projects were underwritten and put together with tax abatement in the mix; and that when the apartment properties know they qualify for abatement, everything is reduced by that amount of money and worked into the underwriting process. He said that what is being talked about today is the partial abatement of a partial year; and that those taxes have already been paid, and they are trying to get credit for that portion of the year that the apartments were filled with qualifying residents.

Commissioner Sferrazza stated that he believes the testimony that has been given; that the reports are accurate; and that there is an audit process. He said he does not need the information that Commissioner Galloway requested, but, rather, is concerned that the County would be transferring \$100,000 out of the Treasury to four for-

profit companies, and he needs to know if something will be done that will benefit the renters for the future. Mr. Neilson advised that represents putting the cart before the horse as they have basically paid money they never expected to pay. Commissioner Sferrazza stated that he would be willing to look at information regarding how the tenants were benefited by the abatement.

Legal Counsel Shipman advised that the District Attorney recommended the proportionate returns be made based upon past precedent of the Board; and that the Board's discretion in approving the refunds is based on the law that talks about what the Board deems to be just and equitable and how the Board determines that by apportioning that return.

A representative of the Riverside Artists Lofts advised that their documents are published by the Housing Division and their paperwork is used to get all income certified; and that the Housing Division and the Home Consortium audited them last week. She said the tax refund would be used to pay their gas bill, which is enormous.

Eric Schlenker, Pinnacle Realty, was present to provide information concerning the Spanish Hills Apartments.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the tax refund items be continued and the requested documents and spread sheets be submitted within 30 days to the County Manager's Office.

Commissioner Galloway requested that a workshop be scheduled on the general topic of tax refunds.

**01-1100 ALLOCATION FOR PUBLIC LIBRARIES – STATE
COLLECTION DEVELOPMENT – LIBRARY**

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that acceptance of the grant of the State Collection Allocation in the amount of \$147,567 from the State of Nevada to be used to purchase library materials (Account No. 132071G) be approved.

**01-1101 AWARD OF CONSTRUCTION BID – LEMMON VALLEY
WATER SYSTEM METER RETROFIT, PHASE I – WATER
RESOURCES**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on August 29 and 31, and September 5, 7, and 12 for the Lemmon Valley Water System Meter Retrofit, Phase

I, for the Water Resources Department. Proof was made that due and legal Notice had been given.

The following bids were received:

Bidder	Bid Amount
Mike's Trenching	\$113,135.00
Rapid Construction	\$113,311.00
Interstate Utilities	\$200,723.00
Engineer's Estimate	\$220,850.00

Upon recommendation of John Collins, Manager, Utility Services Division, Stephen Bradhurst, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following actions be taken:

1. The bid for the Lemmon Valley Water System Meter Retrofit, Phase I be awarded to the low, responsive and responsible bidder, Mike's Trenching, in the amount of \$113,135.00.
2. Chairman Shaw be authorized to execute the contract concerning same.
3. The Utility Services Manager be authorized to issue the Notice to Proceed.
4. The Purchase Order be issued to Western Nevada Supply in the amount of \$106,500.00 for associated parts and supplies.

It was noted that the hardware associated with this project was previously bid by Purchasing with Western Nevada Supply being the sole source provider for meters, MXUs and meter pits.

01-1102 REVISED MASTER PLAN – NORTH VALLEYS REGIONAL SPORTS COMPLEX – PARKS

Commissioner Galloway requested that, based on discussion at yesterday's caucus meeting, direction be given that additional community input be solicited prior to proceeding with construction of the lighted Little League fields.

Upon recommendation of Bill Gardner, Park Planner, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the Revised Master Plan for the North Valleys Regional Sports Complex, as noted in the agenda memorandum dated September 12, 2001, be approved. It was further ordered that with regard to the lighted Little League fields, prior to proceeding to construction, staff be directed to obtain additional community input.

It was noted that the original master plan was approved by the Board of Commissioners on June 14, 1994, and this amendment is necessary because Sky Vista Parkway was built with a different configuration than was originally proposed; that the number of park elements/facilities have not changed although they may have shifted due to the road alignment; and that the revised master plan was approved by the Bureau of Land Management (BLM), the North Valleys CAB and the Washoe County Parks and Recreation Commission.

01-1103 PRESENTATION – FY 2001/2002 BUDGET STATUS AND INITIAL CONTINGENCY PLAN CONCERNING POSSIBLE INITIAL ECONOMIC IMPACTS OF SEPTEMBER 11 ATTACK - FINANCE

Katy Singlaub, County Manager, advised that discussion was held on this item at yesterday's caucus. She recommended that the Board accept the plan and continue the next item concerning award of bid of the sound system equipment and installation for 90 days.

Commissioner Sferrazza asked when the finalized September numbers would be available. John Sherman, Finance Director, said that staff knows the September numbers will not be good, but does not know the extent of the rebound that occurred. He advised that the October numbers would be available in December, at which time staff could present the information to the Board.

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the report concerning the FY 2001/2002 Budget Status and Initial Contingency Plan With Respect To Possible Initial Economic Impacts of the September 11th Attack be approved.

01-1104 AWARD OF BID – SOUND SYSTEM EQUIPMENT AND INSTALLATION - BID NO. ITB-2301-01PW - PURCHASING

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on August 29, 2001, for sound system equipment and installation for the District Courts. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Jtronics, Inc.
Mustang Alarm Services, Inc.
Diversified Systems International
Systems Services, Inc.

Superior Business Communications submitted a "no-bid" response.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that this item be continued.

01-1105 DISCUSSION AND DIRECTION - VERDI ANNEXATION
DECISION

Legal Counsel Shipman stated that, under the Verdi Annexation Decision, the Judge indicated that voluntary annexations under NRS 268.670 are not subject to either a city's program of annexation as placed in the statutes in 1991, or the Regional Plan, which the programs of annexation are tied to. She advised that nothing has changed from the reasons why the Board originally requested this action be brought, and a failure to appeal would result in the Regional Plan being gutted with no update to take its place. Ms. Shipman said that annexation of the Verdi properties would allow for unilateral amendment by the City of Reno to amend the Regional Plan without the collaborative process that has been set up by statute; and that there is reason to believe this is just the first of other types of voluntary annexations. She stated that there is a very high likelihood of success in the Supreme Court on this matter, and her recommendation is for the Board to appeal.

Commissioner Sferrazza moved to direct the District Attorney to proceed with the appeal of the Verdi Annexation Decision. The motion was seconded by Commissioner Galloway.

Chairman Shaw advised that he has received Request to Speak cards on this item.

Shawn Oliphant, Attorney at Law, spoke on behalf of several property owners present in the audience. He stated that he does not believe the Board has heard both sides of the story. He presented a large display and discussed statutes relating to voluntary and involuntary annexation procedures. He stated that the Judge ruled that NRS 268.670 is a voluntary annexation procedure, which is an alternative to the statutes which were set up in the Regional Plan; that statute has been on the books since 1967 and was not amended in 1991 when the Regional Plan came forth; and that a review is not required for voluntary annexations. He stated that NRS 268.646 relates to involuntary annexations and says that annexations under that procedure need to be reviewed by the Regional Planning Board to determine whether or not it is consistent with the Regional Plan, etc. He then stated that the Interlocal Agreement signed in 1993 and 1994 transfers actual duties of the City Annexation Commissions to the Regional Planning Board and set up the power for the Regional Planning Board to be put into place, which was authorized by NRS 268.626; and that the agreement stated that the transfer of duties would not change the existing procedures and safeguards for citizens regarding annexations. He said he believes the statement made by Washoe County's Legal Counsel that the Regional Plan is gutted is false because any properties that are developed have to go through the Regional Planning Board, and it should make no difference what entity or

municipality the property lies in. He stated that the only thing the Board would be doing by filing an appeal would be to keep the property owners who want to annex into the City of Reno from doing so. He said that their position has been verified by the Judge and they will be seeking attorneys fees and costs and the question would be whether or not the Board would want to spend taxpayers money to prohibit property owners from moving into the City when that is what they want to do.

Commissioner Sferrazza stated that he is not going to go against the advice of Legal Counsel. He said the attorneys for the property owners may change his mind about continuing with the appeal after it is filed, but time is of the essence at this point; and that once the appeal is filed, negotiations can occur and he would be happy to read everything the attorneys want to furnish. He noted that there is a group of people in the community that have a different position on this issue, and discussed his concerns about some of the early occurrences in this matter by the City of Reno and other parties.

Diana Langs, Sun Valley General Improvement District, advised they support the Board filing an appeal. She said the citizens bought into the Regional Plan with the understanding of how growth would occur in this County, and now there is a decision that throws away the Regional Plan and allows for uncontrolled growth. She stated that they want closure on this issue.

Chairman Shaw read statements from the Request to Speak cards written by Gary Sayer and Joan Liscom, County residents, supporting the filing of an appeal.

Tom Gallagher, Summit Engineering Corporation, disputed some of the comments made by Commissioner Sferrazza concerning the early procedures regarding this issue. He said this issue is about regional control not regional planning.

Stephen Mollath, attorney representing the property owners, presented a letter that he said points out the infirmity of the County's position. He stated that, if an appeal is filed, many things occur, and the biggest risk to the County is under NRS 278.0233, which gives rise to governmental liability for actions it takes adverse to property owners in a development process. Commissioner Sferrazza commented that NRS 278.0233 deals with an application to an agency, which would be the City of Reno. Mr. Mollath advised that the Boomtown Hotel and Casino has a tentative map and special use permit approval from Washoe County, which falls within the meaning of that statute.

Legal Counsel Shipman stated that she does not believe discussion should be taking place about the lawsuit under this kind of forum, and, under the new Open Meeting Law, she would like to meet with the Board in a closed session to explain the County's position. She stated that for the second time the County's position has been misrepresented, because the County has never taken a position that an annexation pursuant to NRS 268.670 requires regional review. She said the County's position is that an annexation can go forward without review but the City is bound by NRS 268.625, which does not distinguish between voluntary or involuntary annexations, to include within their sphere and identify all properties that may or could be annexed during their

annexation program time period. She stated that, in her opinion, annexation is a NRS 268 procedure and NRS 278 does not apply in this case.

Commissioner Galloway stated that if new and convincing information had been presented today he could have withdrawn his second to the motion, but does not find that was done. He said he thinks the Board would be letting down the people that followed the rules of regional planning for ten years if the issue is not taken to the highest authority, whichever way it comes out. He stated that the damage to the community by the destruction of regional planning and its impact on the quality of life would far outweigh the cost of the appeal.

Commissioner Bond stated there have been past issues of concern in the Verdi area with property development applications, etc. and she expressed her concerns that those issues would not go away. However, she feels she has no choice but to go forward on the appeal.

Commissioner Short commented that he has the utmost respect for Judge Breen, the attorneys, and the property owners, but will support the District Attorney's recommendation because of the risk of losing the Regional Plan and negatively impacting the citizens who worked hard to determine the kind of community they want.

Chairman Shaw said he will support the motion because he believes the Regional Plan should be protected because of all the effort and time that went into its development over the years.

Commissioner Sferrazza explained that he did not understand there was going to be opposing argument on this issue. He thought the item was just to authorize the District Attorney to move forward, and it was not his intent to foreclose anyone from speaking when he made the motion.

Commissioner Sferrazza then stated that when he signed the Interlocal Agreement as Chairperson of the Regional Planning Governing Board, and as Mayor of the City of Reno, his understanding, which has been confirmed by Legal Counsel, was that the agreement was not about voluntary annexations but was about the Annexation Commission which never handled voluntary annexations. Legal Counsel Shipman added that rights cannot be preserved or protected that did not exist prior to the agreement in 1991, in which all voluntary and involuntary annexations procedures were protected but were still required to be part of a program of annexation and identified within a sphere of influence within the city.

Following further discussion, on call for the question the motion to direct the District Attorney to file an appeal of the Second Judicial District Court's Verdi Annexation Decision passed unanimously, and it was so ordered.

**DISCUSSION AND DIRECTION – 2001 REGIONAL PLAN
UPDATE**

Eric Young, Planner, Community Development Department, advised that the Regional Plan Update has proceeded rather rapidly in the last week, and many decisions are being made in terms of draft language. He stated that staff is requesting Board direction so that in the Regional Plan Update Committee meetings staff is comfortable advocating actual positions of the Commissioners. He stated that in staff's opinion there has been little progress on the plan because critical issues have been left to the end of the process, such as spheres of influence, unincorporated communities and development in the unincorporated county, the role of the Regional Plan in regard to services and service provision, and fiscal equity. He then reviewed recommendations outlined in the staff report and advised that the Regional Plan Update Committee's next meeting will be held on Saturday of this week.

Commissioner Galloway moved, seconded by Commissioner Short, that staff's recommendations No. 2 concerning communities, No. 3 concerning the role of the Regional Plan in regard to services, and No. 4 concerning fiscal issues, as outlined in the agenda memorandum dated October 12, 2001, be approved.

Commissioner Sferrazza discussed concerns relative to recommendation No. 2 regarding communities and stated that he does not support increasing any density within the unincorporated area. He said he would not have a problem with the city annexing property so long as it would not increase the density for many years. Mr. Young stated that staff believes that commercial development within unincorporated communities should be achieved through policy and not a regulation; and that the policy should require that the County adopt appropriate zoning in those areas that will only permit community level commercial activity. Commissioner Sferrazza stated he thinks that criteria is too vague and would not support No. 2.

John Howe, Silver Knolls resident, discussed concerns relative to sphere of influence issues and asked that the Board look very carefully at sphere of influence areas for the City of Reno.

On call for the question, Commissioner Sferrazza voted "no" only on staff recommendation No. 2 and the motion duly carried.

The Board then addressed staff's recommended options concerning Sphere of Influence issues (SOI). Commissioner Galloway stated he would like to prioritize the options in the following order: Option No. 2, which says that until the County gets a court decision on the Verdi Annexation proposal, no SOI should be enlarged; Option No. 1 to support SOI's based on identified growth needs, in the event the County is overruled; and

Option No. 3 to eliminate SOI's, if the decision at the Supreme Court goes against the County.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that, concerning Sphere of Influence issues relative to the 2001 Regional Plan Update, staff Options be approved and prioritized in the following order: Option No. 2, Option No. 1, and Option No. 3.

Commissioner Galloway commented that there are several other matters relating to the Regional Plan Update, but there is no time to discuss them today. He said he does not think they would affect what the Update Committee does at their meeting on Saturday and requested that this item be continued to the next meeting.

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that this item be continued.

**AFFIRM COMMISSION APPROVAL OF GUIDELINES FOR
PROPOSED TRANSPORTATION SYSTEMS WITHIN WASHOE
COUNTY PARKS AND OPEN SPACE AREAS**

Due to the lateness of the hour, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that this item be continued.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

01-1107 Communications

- A. Copy of letter from Meridian Company, retained by Verdi Meadows Utility Company, Inc., to design, permit and review construction of new facilities (Well GW3).
- B. Copy of Application of Verdi Meadows Utility Company, Inc. for a Permit Under the Utility Environmental Protection Act, NRS 704.820 *et. seq.* to construct a water transmission line from Well GW2.

01-1108 Reports - Monthly (August 2001)

- A. County Clerk
- B. Court Clerk
- C. Treasurer

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There being no further business to come before the Board, the meeting adjourned at 6:30 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: **AMY HARVEY**, County Clerk

*Minutes Prepared by
Barbara Trow
Deputy County Clerk*